



# भारत का संज्ञपत्र

## The Gazette of India

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#### PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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### LOK SABHA

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The following Bills were introduced in Lok Sabha on 27th June, 2019:—

#### BILL NO. 110 OF 2019

*A Bill further to amend the Indian Medical Council Act, 1956.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2019.

Short title and commencement.

(2) (A) The provisions of this Act shall, except sub-clause (i) of clause (c) of section 2, be deemed to have come into force on the 26th day of September, 2018; and

(B) sub-clause (i) of clause (c) of section 2 shall be deemed to have come into force on the 12th day of January, 2019.

102 of 1956.

2. In section 3A of the Indian Medical Council Act, 1956,—

Amendment of section 3A.

32 of 2010.

(a) in sub-section (1), for the words, brackets and figures "Indian Medical Council (Amendment) Act, 2010", the words, brackets and figures "Indian Medical Council (Amendment) Act, 2019" shall be substituted;

(b) in sub-section (2), for the words "three years", the words "two years" shall be substituted;

(c) in sub-section (4),—

(i) for the words "seven persons", the words "twelve persons" shall be substituted;

(ii) for the words "and medical education", the words "and medical education or proven administrative capacity and experience" shall be substituted;

(d) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) The Board of Governors shall be assisted by a Secretary General who shall be appointed by the Central Government on deputation or contract basis and he shall be the head of the secretariat in the Council.".

Repeal and savings.

**3. (1)** The Indian Medical Council (Amendment) Second Ordinance, 2019 is hereby repealed.

Ord. 5 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

102 of 1956.

### STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council Act, 1956 was enacted to provide for the reconstitution of the Medical Council of India and the maintenance of a Medical Register for India and for matters connected therewith. The main functions of the Medical Council of India (the said Council) is to make recommendations to the Central Government in matters of recognition of medical qualifications, determining the courses of study and examinations required to obtain such qualifications, inspection of examinations and maintenance of register of medical practitioners, etc.

2. The working of the said Council has been under scrutiny since long time and the same was examined by various expert bodies including the Department-related Parliamentary Standing Committee on Health and Family Welfare, which in its Ninety-second Report, in March, 2016, severely indicted the said Council. The Committee recommended that the Government should bring a new comprehensive Bill in Parliament at the earliest so as to restructure and revamp the regulatory system of medical education and medical practice and to reform the Medical Council of India. Accordingly, the National Medical Commission Bill, 2017 was introduced in Lok Sabha in December, 2017, which lapsed on the dissolution of the Sixteenth Lok Sabha.

3. However, in view of the arbitrary action by the said Council in disregard to the provisions of the said Act and regulations made thereunder, immediate steps were required to be taken by the Government to put an alternative mechanism in place of the said Council so as to bring transparency, accountability and quality in the governance of medical education in the country. Hence, it has been decided to supersede the Medical Council of India and entrust its affairs to a Board of Governors consisting of eminent doctors for a period of two years or until the said Council is reconstituted, whichever is earlier.

4. As Parliament was not in session and urgent legislation was required to be made, the President promulgated the Indian Medical Council (Amendment) Ordinance, 2018 on the 26th September, 2018. Subsequently, the Indian Medical Council (Amendment) Bill, 2018, to replace the said Ordinance, was introduced in Lok Sabha on the 14th December, 2018 and was considered and passed in the said House on the 31st December, 2018. However, before the said Bill could be taken up for consideration and passing in Rajya Sabha, the Winter Session 2018 of Parliament adjourned *sine die*.

5. As the Indian Medical Council (Amendment) Ordinance, 2018 would cease to operate in accordance with the provisions of sub-clause (a) of clause (2) of article 123 of the Constitution, the Indian Medical Council (Amendment) Ordinance, 2019 was promulgated by the President on the 12th January, 2019.

6. Subsequently, as the Indian Medical Council (Amendment) Bill, 2018 along with official amendments could not be taken up for consideration and passing in Parliament, the Indian Medical Council (Amendment) Second Ordinance, 2019 was promulgated by the President on the 21st February, 2019.

7. However, pursuant to dissolution of the Sixteenth Lok Sabha, the aforementioned Indian Medical Council (Amendment) Bill, 2018, which was pending consideration and passing in Parliament, lapsed. Hence, the present Bill to replace the Indian Medical Council (Amendment) Second Ordinance, 2019.

8. The Indian Medical Council (Amendment) Bill, 2019, *inter alia*, provides for the following, namely:—

(a) to supersede the existing Medical Council of India and vest its powers in a Board of Governors until the said Council is reconstituted;

(b) to amend sub-section (2) and sub-section (4) of section 3A to provide for the reconstitution of the Council within a period of two years;

(c) to amend sub-section (4) of section 3A so as to add proven administrative capacity and experience also as a qualification for nomination of members for the Board of Governors and to increase the number of members of the Board of Governors to twelve; and

(d) to insert a new sub-section (7A) in the said section to provide that the Board of Governors shall be assisted by a Secretary General who shall be appointed by the Central Government on deputation or contract basis and shall be the head of the secretariat in the Council.

9. The Bill seeks to replace the Indian Medical Council (Amendment) Second Ordinance, 2019.

NEW DELHI;  
*The 20th June, 2019.*

HARSH VARDHAN.

## FINANCIAL MEMORANDUM

Sub-clause (d) of clause 2 of the Bill seeks to amend section 3A of the Indian Medical Council Act, 1956, which, *inter alia*, provides for the constitution of the Board of Governors consisting of not more than twelve members in place of the existing Medical Council of India for a period of two years or until the said Council is reconstituted or some other arrangement is made, whichever is earlier. The proposed new sub-section (7A) of section 3A provides for appointment of a Secretary General on deputation or contract basis who shall be the head of the Secretariat of the said Council. The Chairperson and other members, other than *ex officio* members, of the Board of Governors shall be entitled to such sitting fee and other allowances as may be determined by the Central Government. Further, the Secretary General shall be entitled to pay and allowances for discharging his duties. It is expected that such expenditure on sitting fee and travelling and other allowances would be minimal and will be met from the funds of the Medical Council of India.

2. The Bill does not envisage any recurring or non-recurring expenditure during the current financial year, that is, 2019-20.

## BILL No. 111 OF 2019

A Bill *further to amend the Dentists Act, 1948.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

**1.** (1) This Act may be called the Dentists (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

**2.** In section 3 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in clause (f), the words and letter "and at least two shall be dentists registered in Part B of a State register" shall be omitted. 16 of 1948.

Amendment of section 21.

**3.** In section 21 of the principal Act, clause (b) shall be omitted.

Amendment of section 23.

**4.** In section 23 of the principal Act, clause (b) shall be omitted.

### STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948 (the Act) was enacted with a view to regulate the profession of dentistry. Section 3 of the Act provides for the constitution of the Dental Council of India (Council) for promoting dental education and dental profession in India. Section 31 of the Act provides that the Council shall maintain a register of dentists known as the Indian Dentists Register which consists of entries in all the State register of dentists. The register of dentists shall be maintained in two parts, namely, Part A and Part B. Part A consisting of all dentists possessing recognised dental qualifications and Part B which contains persons not holding such qualifications but engaged in practice of dentistry as principal means of livelihood for a period not less than five years prior to the date appointed under section 32.

2. Registration under Part B was allowed from a date prior to the commencement of the Act *i.e.* 29th March, 1948 for the persons displaced during Partition and displaced from Bangladesh or repatriated from Burma or Ceylon after 14th April, 1957 and before 25th March, 1971. However, no person has been registered in Part B after the year 1972. There are approximately 950 dentists registered in Part B against 2.7 lakh dentists registered in Part A. Moreover, only few States and Union territories like West Bengal, Kerala, Jammu and Kashmir, Puducherry, Punjab and Delhi have dentists registered in Part B.

3. Section 3 of the Act provides that the Central Government nominates six members to the Council as Central Government nominees, of whom at least two shall be dentists registered in Part B of a State register. The Act also provides for the constitution of State Dental Councils with four members and Joint State Dental Councils with two members elected from among themselves by dentists registered in Part B of the State register.

4. In view of above, it is proposed to amend the Dentists Act, 1948 so as to take away the mandatory requirement of the representation of Part B dentists in the Council, State Dental Councils and Joint State Dental Councils.

5. The proposed Dentists (Amendment) Bill, 2019, provides for the following, namely:—

(a) to amend clause (f) of section 3 of the Act relating to membership of Council so as to omit the provision for nomination of at least two members registered in Part B;

(b) to omit clause (b) of section 21 of the Act relating to election of four members from Part B to the State Dental Councils; and

(c) to omit clause (b) of section 23 of the Act relating to election of two members from Part B to the Joint State Dental Councils.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

*The 20th June, 2019.*

HARSH VARDHAN.

## BILL No. 103 OF 2019

*A Bill to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes, the socially and educationally backward classes and the economically weaker sections, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement. **1. (1)** This Act may be called the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019.

(2) It shall be deemed to have come into force on the 7th day of March, 2019.

Definitions. **2.** In this Act, unless the context otherwise requires,—

(a) "appropriate authority" means the University Grants Commission established under the University Grants Commission Act, 1956, or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Educational Institution;

(b) "branch of study" means a branch of study leading to three principal levels of qualifications at bachelors (under graduate), masters (post graduate) and doctoral levels;

(c) "Central Educational Institution" means—

(i) a University established or incorporated by or under a Central Act;

(ii) an institution of national importance established by an Act of Parliament;

(iii) an institution, declared as an institution deemed to be University under section 3 of the University Grants Commission Act, 1956, and maintained by or receiving aid from the Central Government;

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in sub-clause (i) or sub-clause (ii), or a constituent unit of an institution referred to in sub-clause (iii); and

(v) an educational institution established by the Central Government under the Societies Registration Act, 1860;

(d) "direct recruitment" means the process of appointing faculty by inviting applications against public advertisement from persons eligible to teach in a Central Educational Institution;

(e) "economically weaker sections" means such weaker sections as are referred to in *Explanation* to clause (6) of article 15 of the Constitution;

(f) "faculty" means the faculty of a Central Educational Institution;

(g) "Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004;

(h) "sanctioned strength" means the number of posts in teachers' cadre approved by the appropriate authority;

(i) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution;

(j) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(k) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A of the Constitution;

(l) "teachers' cadre" means a class of all the teachers of a Central Educational Institution, regardless of the branch of study or faculty, who are remunerated at the same grade of pay, excluding any allowance or bonus.

**3. (1)** Notwithstanding anything in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in a Central Educational Institution to the extent and in the manner as may be specified by the Central Government by notification in the Official Gazette.

(2) For the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit.

**4. (1)** The provisions of section 3 shall not apply to—

(a) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act;

Reservation of posts in recruitments by Central Educational Institutions.

Act not to apply in certain cases.

(b) a Minority Educational Institution.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule referred to in clause (a) of sub-section (1) from time to time.

Laying of notifications before Parliament.

**5.** Every notification made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Repeal and savings.

**6. (1)** The Central Educational Institutions (Reservation in Teachers' Cadre) Ord. 13 of Ordinance, 2019 is hereby repealed. 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

## THE SCHEDULE

[See section 4(I)(a)]

Sl. No.	Name of the Institution of Excellence, etc.
(1)	(2)
1.	Homi Bhabha National Institute, Mumbai and its constituent units, namely:—
	(i) Bhabha Atomic Research Centre, Trombay;
	(ii) Indira Gandhi Centre for Atomic Research, Kalpakkam;
	(iii) Raja Ramanna Centre for Advanced Technology, Indore;
	(iv) Institute for Plasma Research, Gandhinagar;
	(v) Variable Energy Cyclotron Centre, Kolkata;
	(vi) Saha Institute of Nuclear Physics, Kolkata;
	(vii) Institute of Physics, Bhubaneshwar;
	(viii) Institute of Mathematical Sciences, Chennai;
	(ix) Harish-Chandra Research Institute, Allahabad;
	(x) Tata Memorial Centre, Mumbai.
2.	Tata Institute of Fundamental Research, Mumbai.
3.	North-Eastern Indira Gandhi Regional Institute of Health and Medical Science, Shillong.
4.	National Brain Research Centre, Manesar, Gurgaon.
5.	Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore.
6.	Physical Research Laboratory, Ahmedabad.
7.	Space Physics Laboratory, Thiruvananthapuram.
8.	Indian Institute of Remote Sensing, Dehradun.

### STATEMENT OF OBJECTS AND REASONS

Sub-clause (c) of clause 6 and sub-clause (a) of clause 8 of the University Grants Commission Guidelines, 2006 provide that the cadre or unit for determining reservation roster points in teaching posts in Central Universities should be the University or College and not the Department or subject. However, the said clauses were quashed by the High Court of Allahabad *vide* W.P. 43260 of 2016 dated the 7th April, 2017 and the said judgment was upheld by the Supreme Court. The Supreme Court took a stand that cadres cannot be combined for the purpose of reservation. However, the process of recruitment had come to complete standstill leaving more than 7,000 faculty vacancies in various Central Universities, thus adversely impacting the teaching process and academic standards.

2. In view of the urgency to fill up the vacant posts and to protect the interests of the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes, it had become necessary to enact a legislation in the matter.

3. The Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019, which seeks to replace the Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019, provides for the following, namely:—

(i) to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government and to extend the said reservations to the economically weaker sections in the light of the Constitution (One Hundred and Third) Amendment Act, 2019;

(ii) clause 3 of the Bill provides that the extent and the manner of reservation of posts shall be notified by the Central Government and for the purpose of reservation of posts a Central Educational Institution shall be regarded as one unit; and

(iii) the provisions of clause 3 of the Bill shall not apply to the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule or a Minority Educational Institution.

4. As the Parliament was not in session and an urgent legislation was required to be made, the President promulgated the Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 (Ord. 13 of 2019) on the 7th day of March, 2019.

5. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

RAMESH POKHRIYAL 'NISHANK'.

*The 4th June, 2019.*

#### FINANCIAL MEMORANDUM

In the Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019, a Central Educational Institution has been treated as one unit for providing reservation to the Scheduled Castes, the Scheduled Tribes, the socially and educationally backward classes and the economically weaker sections.

2. For providing reservation to the aforesaid categories in direct recruitment to the posts of Assistant Professor level, provision is already made in the regular Budget Estimates.

3. Further, in order to cater to the requirement of creation of additional faculty posts in Central Educational Institutions due to the provision of 10 per cent. reservation in admission for economically weaker sections category in Central Educational Institutions, a provision of Rs.717.83 crores is required for 2019-20 and 2020-21 and the same has been sanctioned. After 2020-21, the additional posts of the faculty will be factored in the regular budget estimates.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sub-clause (1) of clause 3 of the Bill empowers the Central Government, by notification, to specify the extent and the manner of reservation of posts in recruitment by the Central Educational Institutions. Sub-clause (2) of clause 4 of the Bill empowers the Central Government, by notification, to amend the Schedule to the Bill from time to time.

2. The matters in respect of which the notifications may be issued are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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SNEHLATA SHRIVASTAVA  
*Secretary General*